

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

THIS DOCUMENT RELATES TO ALL  
ACTIONS.

MDL No. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

**PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal: (a) Plaintiffs' Memorandum in Support of Motion for Partial Summary Judgment on Behalf of Classes 1 and 2 Against Defendant Astrazeneca Based on Its Guilty Plea Related to Zoladex ("Plaintiffs' Memorandum"); (b) Declaration of Kenneth A. Wexler in Support of Motion for Partial Summary Judgment on Behalf of Classes 1 and 2 Against Defendants Astrazeneca Based on Its Guilty Plea Related to Zoladex (the "Wexler Declaration"); and, (c) Plaintiffs' Local Rule 56.1 Statement of Material Facts as to Which No Genuine Dispute Exists ("Rule 56.1 Statement"). In support of this motion, Plaintiffs state as follows:

Plaintiffs' Memorandum, the Wexler Declaration and the Rule 56.1 Statement include copies of documents and excerpts from those documents, which have been identified by certain Defendants as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" pursuant to the terms of the December 13, 2004 Protective Order (the "Protective Order"). While Plaintiffs take no position on whether the information so designated is in fact "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL," in order to comply with the Protective Order, Plaintiffs seek leave to file the information under seal.

WHEREFORE, Plaintiffs respectfully request that this Court grant them leave to file under seal; (a) Plaintiffs' Memorandum in Support of Motion for Partial Summary Judgment on Behalf of Classes 1 and 2 Against Defendant Astrazeneca Based on Criminal Guilty Plea Related to Zoladex and (b) the Declaration of Kenneth A. Wexler in Support of Motion for Partial Summary Judgment on Behalf of Classes 1 and 2 Against Defendants Astrazeneca Based on Its Guilty Plea Related to Zoladex; (c) Plaintiffs' Local Rule 56.1 Statement of Material Facts as to Which No Genuine Dispute Exists.

DATED: March 15, 2006

By /s/ Kenneth A. Wexler

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Kenneth A. Wexler attorney, caused a true and correct copy of the foregoing *Plaintiffs' Motion For Leave To File Under Seal* be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 15, 2006, a copy to LexisNexis File and Serve for Posting and notification to all parties

By: /s/ Kenneth A. Wexler

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